

MESSAGE NO: 4225210 MESSAGE DATE: 08/12/2004

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: PRE-Preliminary PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-588-865

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/05/2004 TO

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: NOTICE OF A PRELIMINARY DETERMINATION IN THE ANTIDUMPING DUTY
INVESTIGATION OF OUTBOARD ENGINES FROM JAPAN (A-588-865)

MESSAGE NO: 4225210

DATE: 08 12 2004

CATEGORY: ADA

TYPE: PRE

REFERENCE:

REFERENCE DATE:

CASES: A - 588 - 865

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PERIOD COVERED: 08 05 2004 TO

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: NOTICE OF A PRELIMINARY DETERMINATION IN THE
ANTIDUMPING DUTY INVESTIGATION OF OUTBOARD ENGINES
FROM JAPAN (A-588-865)

1. ON AUGUST 12, 2004, THE DEPARTMENT OF COMMERCE WILL PUBLISH IN THE FEDERAL REGISTER ITS NOTICE OF PRELIMINARY DETERMINATION OF SALES AT LESS THAN FAIR VALUE AND POSTPONEMENT OF FINAL DETERMINATION IN THE ANTIDUMPING DUTY INVESTIGATION OF OUTBOARD ENGINES FROM JAPAN.

2. FOR THE PURPOSE OF THIS INVESTIGATION, THE PRODUCTS COVERED ARE OUTBOARD ENGINES (ALSO REFERRED TO AS OUTBOARD MOTORS),

WHETHER ASSEMBLED OR UNASSEMBLED; AND POWERHEADS, WHETHER ASSEMBLED OR UNASSEMBLED. THE SUBJECT ENGINES ARE GASOLINE-POWERED SPARK-IGNITION, INTERNAL COMBUSTION ENGINES DESIGNED AND USED PRINCIPALLY FOR MARINE PROPULSION FOR ALL TYPES OF LIGHT RECREATIONAL AND COMMERCIAL BOATS, INCLUDING, BUT NOT LIMITED TO, CANOES, RAFTS, INFLATABLE, SAIL AND PONTOON BOATS. SPECIFICALLY INCLUDED IN THIS SCOPE ARE TWO-STROKE, DIRECT INJECTION TWO-STROKE, AND FOUR-STROKE OUTBOARD ENGINES.

OUTBOARD ENGINES ARE COMPRISED OF (1) A POWERHEAD ASSEMBLY, OR AN INTERNAL COMBUSTION ENGINE, (2) A MIDSECTION ASSEMBLY, BY WHICH THE OUTBOARD ENGINE IS ATTACHED TO THE VEHICLE IT PROPELS, AND (3) A GEARCASE ASSEMBLY, WHICH TYPICALLY INCLUDES A TRANSMISSION AND PROPELLER SHAFT, AND MAY OR MAY NOT INCLUDE A PROPELLER. TO THE EXTENT THAT THESE COMPONENTS ARE IMPORTED TOGETHER, BUT UNASSEMBLED, THEY COLLECTIVELY ARE COVERED WITHIN THE SCOPE OF THIS INVESTIGATION. AN "UNASSEMBLED" OUTBOARD ENGINE CONSISTS OF A POWERHEAD AS DEFINED BELOW, AND ANY OTHER PARTS IMPORTED WITH

THE POWERHEAD THAT MAY BE USED IN THE ASSEMBLY OF AN OUTBOARD ENGINE.

POWERHEADS ARE COMPRISED OF, AT A MINIMUM, (1) A CYLINDER BLOCK, (2) PISTONS, (3) CONNECTING RODS, AND (4) A CRANKSHAFT.

IMPORTATION OF THESE FOUR COMPONENTS TOGETHER, WHETHER ASSEMBLED

OR UNASSEMBLED, AND WHETHER OR NOT ACCOMPANIED BY ADDITIONAL COMPONENTS, CONSTITUTE A POWERHEAD FOR PURPOSES OF THIS INVESTIGATION. AN "UNASSEMBLED" POWERHEAD CONSISTS OF, AT A MINIMUM, THE FOUR POWERHEAD COMPONENTS LISTED ABOVE, AND ANY OTHER PARTS IMPORTED WITH IT THAT MAY BE USED IN THE ASSEMBLY OF A POWERHEAD.

THE SCOPE DOES NOT INCLUDE PARTS OR COMPONENTS (OTHER THAN POWERHEADS) IMPORTED SEPARATELY.

THE OUTBOARD ENGINES AND POWERHEADS SUBJECT TO THIS INVESTIGATION ARE CURRENTLY CLASSIFIABLE IN THE HARMONIZED TARIFF SCHEDULE OF

THE UNITED STATES (HTSUS) AT SUBHEADINGS 8407.21.0040 AND 8407.21.0080. ALTHOUGH THE HTSUS SUBHEADINGS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES, THE WRITTEN DESCRIPTION OF THE MERCHANDISE UNDER INVESTIGATION IS DISPOSITIVE.

3. FOR FURTHER REPORTING PURPOSES THIS CASE HAS BEEN ASSIGNED AN INVESTIGATION NUMBER A-588-865.

4. FOR IMPORTS OF OUTBOARD ENGINES FROM JAPAN, U.S. CUSTOMS AND BORDER PROTECTION (CBP) SHALL SUSPEND LIQUIDATIONS OF SUCH SHIPMENTS ENTERED OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON

OR AFTER AUGUST 5, 2004. EFFECTIVE AUGUST 5, 2004 CUSTOMS SHALL REQUIRE, FOR SUCH ENTRIES, A CASH DEPOSIT OR THE POSTING OF A BOND EQUAL TO THE MARGINS SHOWN BELOW:

| MFR/PRODUCER EXPORTER | CUSTOMS ID NUMBER | MARGIN PERCENTAGE |
|--------------------------|----------------------|----------------------|
|--------------------------|----------------------|----------------------|

YAMAHA MOTOR COMPANY, LTD./

| | | |
|-----------------------------|---------------|-------|
| YAMAHA MARINE COMPANY, LTD. | A-588-865-001 | 22.52 |
|-----------------------------|---------------|-------|

| | | |
|------------|---------------|-------|
| ALL OTHERS | A-588-865-000 | 22.52 |
|------------|---------------|-------|

5. IN ACCORDANCE WITH T.D. 85-145, AT THE DISCRETION OF CBP, CUSTOMS OFFICERS MAY ACCEPT EITHER A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND OR A CONTINUOUS BASIC IMPORTATION AND ENTRY BOND ONLY IF THE AMOUNT OF THE ESTIMATED ANTIDUMPING DUTY IS LESS THAN FIVE PERCENT AD VALOREM (OR THE EQUIVALENT). OTHERWISE, WHERE THE IMPORTER HAS THE OPTION TO POST A BOND FOR ESTIMATED ANTIDUMPING OR COUNTERVAILING DUTIES, CUSTOMS OFFICERS MUST REQUIRE A SINGLE-ENTRY BASIC IMPORTATION AND ENTRY BOND

PURSUANT TO T.D. 85-145. YOU ARE INSTRUCTED TO ADHERE TO THE REQUIREMENTS OF T.D. 85-145 WITH RESPECT TO THESE BONDING REQUIREMENTS.

6. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP

OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI OR RON TRENTAM AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O1:JTK)).

7. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party